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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,709	07/31/2003	Takashi Yokohari	520.42960X00	1601

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EXAMINER

CHANNAVAJALA, SRIRAMA T

ART UNIT PAPER NUMBER

2166

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/630,709	Applicant(s) YOKOHARI ET AL.	
	Examiner Srirama Channavajjala	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/31/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-9 are presented for examination.

Drawings

2. The Drawings filed on 7/31/2003 are acceptable for examination purpose.

However, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because fig 1-3, and fig 8 do not include the "LABELS" for the reference sign(s) mentioned in the drawings, for example, fig 1, element 108-107,101,102-105 labels are required, similarly, fig 2, elements 201-208 labels are required . A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on JP 2003-005208 filed on 14 Jan 2003 under 35 U.S.C. 119(a)-(d), the certified copy has been filed in the Application No. 10/630,709, filed on 7/31/2003.

Information Disclosure Statement

4. The information disclosure statement filed on 7/31/2003 is in compliance with the provisions of 37 CFR 1.97, and has been considered [Abstract in English only] and a copy is enclosed with this Office Action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 1-9 are rejected under 35 U.S.C. 101 because invention is directed to non-statutory subject matter.

6. Regarding independent claim 1: The language of this claim merely describes the steps “a job guidance and assistance system.....” using a computer. This is believed to be “software program” per se is a “non statutory” subject matter because, this raises a question as to whether the claim is directed merely to an “abstract” idea that is not in an environment or machine which would result in a “practical application” producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

7. Claims 2-5,9 are dependent from claim 1, and do not add any limitations that would render the claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

8. Regarding independent claim 6: The language of this claim merely describes the steps of “a job guidance and assistance method.....using a computer” This is believed to be “software program” per se is a “non statutory” subject matter because, this raises a question as to whether the claim is directed merely to an “abstract” idea that is not in an environment or machine which would result in a “practical application” producing a

Art Unit: 2166

concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

9. Claims 7-8 are dependent from claim 6, and do not add any limitations that would render the claims statutory under 35 USC 101. Therefore, these claims are likewise rejected.

For further guidelines see: "<http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html>".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is directed to "A job guidance and assistance system.....computer, comprising:

'a referring record database.....

'a referring record search means for searching

'a document production record search means for searching.....

is a ***"functional language"*** in a system claim, it is however not clear whether all or part of the claim 1 functional or non-functional language

Appropriate correction is required in response to this office action

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Grefenstette et al. [hereafter Grefenstette], US Publication No. 2003/0061201 , published on March 27, 2003.

13. As to claim 1, Grefenstette teaches a system which including 'a job guidance and assistance system for guiding and assisting a job of producing a document with using a computer' [page 11, col 2, 0216], Grefenstette teaches various databases are connoted to the network specifically meta-document database that stores the documents and connected and operated at a user computer as detailed in fig 2;

'a referring record database for memorizing therein a relationship built up between a document to be produced and a reference material, which is referred to for producing the document' [page 13, col 1, 0234, fig 17-18], Grefenstette specifically teaches collection of documents and referencing the documents as detailed in 0234;

'a referring record search means for searching out the relationship between the document to be produced and the reference material, which is memorized in the referring record database' [page 13, col 1, 0238, col 2, 0242]; Grefenstette teaches searching, ranking results of the document query, particularly documents referring to a list of hyperlinks and summaries as detailed in page 13, col 2, 0242;

'a document production record search means for searching out a reference relationship between the document and the reference material' [page 14, col 1, 0247, 0249].

14. As to claim 2, Grefenstette disclosed 'similarity estimation means for executing said building up of the relationship, wherein said estimation means also executes building-up of a relationship [page 14, line 0254-0255], upon basis of at least one of comparisons of word appearing in the document to be produced [page 19, col 1, 0303] and the reference document, at a rare frequency thereof, a category of the document to be produced and the reference document, and a referring time or referring frequency to the document to be produced and the reference document' [page 19, 0304-0305].

15. As to claim 3, Grefenstette disclosed 'a display means for display the relationship thereon' [page 21, col 2, 0332], Grefenstette specifically teaches displaying documents, and relationship[s] entity displayed as shown in fig 32.

16. As to claim 4, Grefenstette disclosed 'a display means for display the relationship thereon' [page 21, col 2, 0332], Grefenstette specifically teaches displaying documents, and relationship[s] entity displayed as shown in fig 32.

Art Unit: 2166

17. As to claim 5, Grefenstette disclosed 'similarity estimation means estimates that the reference material is opened, if the reference material is opened during when the document to be produced is opened' [page 20, col 2, 0319].

18. As to claim 9, Grefenstette disclosed, wherein all of said similarity estimation means, said refer record search means, and said document production record search means, are made of software program' [col 21, col 1, line 0321 , page 42, 0582,0589].

19. As to claim 6, Grefenstette teaches a system which including 'A job guidance and assistance method with using a computer, for guiding and assisting job for producing a document' [page 11, col 2, 0216], Grefenstette teaches various databases are connoted to the network specifically meta-document database that stores the documents and connected and operated at a user computer as detailed in fig 2;

'accumulating a document to be produced and a reference material, which is referred to for producing the document, into a database, [page 21, col 2, 0330, fig 33]in a hierarchical manner, while establishing a relationship therebetween' [page 23, col 2, 0356];

'displaying the hierarchical relationship' [see fig 35].

Art Unit: 2166

20. As to claim 7, Grefenstette disclosed 'relationship is built up between the document to be produced and the reference document [page 18, col 2, 0298], by making comparison on at least one of a word appearing in the document to be produced and the reference document, at a rare frequency thereof, [page 19, col 1, 0303], a categories of the document to be produced and the reference document, and a referring time or a referring frequency of the document to be produced and the reference document [page 23, col 2, 0358], and it is searchable when producing a document newly or renewing an existing document, upon basis of that relationship built up' [page 27, col 2, 0413].

21. As to claim 8, Grefenstette disclosed 'relationship built up by the word appearing at rate frequency is executed with using a plural number of words, in an order starting from word, which appears in the document to be produced, at the least' [page 27, col 2, 0416].

Conclusion


The prior art made of record

- a. US Pub.No. 2003/0061201.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

SC
Patent Examiner.
February 27, 2006.


SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER